

REMARKS

Claims 1 to 64 are pending in this application and are subject to restriction as follows:

| <i>Group</i> | <i>Claims</i> | <i>Classification</i> | <i>Subject Matter</i> |
|--------------|---------------|------------------------|--|
| I | 1 to 46 | Class 210/Subclass 243 | Adsorption unit |
| II | 47 to 64 | Class 210/Subclass 660 | Process for adsorbing a constituent from a fluid |

It is asserted that the inventions of Groups I to II are distinct. A requirement has also been made for election of species, including election of the variables associated with the electrical energy, electrode, adsorbent, binder and adsorbed substance.

Applicant is herein amending claims 18 and 39 to correct obvious typographical errors. Applicant submits that no new matter is introduced by the amendments to the claims

Applicant elects to prosecute the subject matter of ***Group II with traverse***. Applicant traverse the restriction requirement and request reconsideration thereof.

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05-§ 806.05(i)); and
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

For purposes of the initial requirement, a serious burden may be *prima facie* shown if the examiner shows separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02. In the subject application, the claims have been restricted into two different groups, however, ***both groups are classified in Class 210***. Thus, applicant respectfully submits that a *prima facie* case of serious burden has not been established.

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PATENT

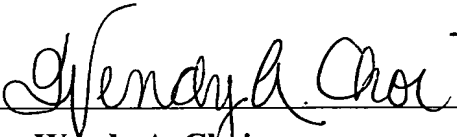
Applicant further elects the following species (all readable on claims 47 to 64):

- (1) electrical energy species: *traveling electric field*
- (2) electrode species: *metal*
- (3) adsorbent species: *X-type zeolite*
- (4) binder species: *smectite clay*
- (5) adsorbed substance species: *oxygen*

Applicant respectfully requests reconsideration of the restriction requirement and examination of the elected claims.

If the Examiner wishes to discuss any aspect of the application, the Examiner is requested to contact the undersigned attorney at (404) 459-5642.

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